

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Leo McClam, #3147, vs. Ms. NFN Saxon,) C/A No. 3:07-3175-TLW-JRM) Plaintiff,)) Report and Recommendation)) Defendant.) <hr/>)
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Plaintiff, who is involuntarily civilly committed with the South Carolina Department of Mental Health Sexually Violent Predator program, and proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The complaint appears to name an employee of the South Carolina Department of Mental Health as Defendant. By Order dated October 4, 2007, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process.

Plaintiff was instructed to:

- 1) complete, sign, and submit to this Court a Form USM-285 for each Defendant listed in the case,
- 2) submit fully completed and signed *Pro Se* Party's Answers to Rule 26.01 Interrogatories, and
- 3) pay the three-hundred-fifty dollar (\$350) filing fee for a civil action, or complete and return a Form AO-240 (application to proceed *in forma pauperis*).

Plaintiff was warned that failure to provide the necessary information within the timetable set forth in the Order would subject the case to dismissal. The time to bring this case into proper form has lapsed. Pursuant to this Court's operating order, *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), this action is now before the undersigned for a report and recommendation. Plaintiff has failed to

provide anything requested in the Proper Form Order, and, therefore, has failed to comply with an order of this Court.

Recommendation

It is hereby recommended that this case should be dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962). **Plaintiff's attention is directed to the important notice on the next page.**

s/Joseph R. McCrorey
United States Magistrate Judge

December 4, 2007
Columbia, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).